

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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RUBEN SILVA,

Plaintiff,

-against-

**ORDER**

17 CV 3533 (LDH) (CLP)

WARDEN JOHN DOE #1 *et al.*,

Defendants.

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**POLLAK**, United States Magistrate Judge:

On June 9, 2017, plaintiff Ruben Silva, who is currently incarcerated at the Federal Correctional Institution Devens in Massachusetts, filed this *pro se* action against defendants under Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971).<sup>1</sup> Plaintiff alleges that on or about September 23, 2014, while incarcerated at the Metropolitan Detention Center in Brooklyn, he was denied prescribed medication which caused him to sustain vision loss and required subsequent hospitalization.

The Court previously ordered the United States Attorney for the Eastern District of New York to ascertain the full name of the individuals whom plaintiff identified as Warden John Doe, Medical Administrator Jane Doe, Medical Staff Member Jane Doe, Nurse Jane Doe, and Corrections Officer John Doe, all of whom are alleged to have been employed at the Metropolitan Detention Center. (See Order<sup>2</sup> at 2). The United States Attorney for the Eastern

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<sup>1</sup> As the Court explained in its July 13, 2017 Order, plaintiff's claims against federal officials are properly analyzed under Bivens rather than 42 U.S.C. § 1983, as the statute applies only to state officials.

<sup>2</sup> Citations to "Order" refer to the Court's Order, July 13, 2017, ECF No. 7.

District of New York filed a letter in response to the Court's Order on October 6, 2017. (See Letter,<sup>3</sup> October 6, 2017). That letter identified Warden John Doe as Kimberly Ask-Carlson, and advised that she may be served at MDC Brooklyn, 80 29<sup>th</sup> Street, Brooklyn, New York 112332. (Id. at 1). The letter also identified Medical Administrator Jane Doe as Hossam Georgy, the Health Services Administrator at MDC Brooklyn, and the letter advises that Hossam Georgy may be served at MCC New York, 150 Park Row, New York, New York 10007. (Id.)

The letter further advised that the United States Attorney's Office will need more information in order to identify the remaining John and Jane Doe defendants. (Id.) Specifically, the letter requests that the plaintiff provide the gender, physical characteristics, and any other information he possesses that might assist in identifying the remaining defendants. (Id. at 1-2).

In light of the information provided by the United States Attorney's Office for the Eastern District of New York, the plaintiff is directed to write a letter to the Court indicating whether Warden Kimberly Ask-Carlson and Health Services Administrator Hossam Georgy are the parties referenced in his Complaint. If so, the Court will deem his Complaint to be amended to include Ask-Carlson and Georgy and will direct the United States Marshals Service to effect service on those parties.

As for the remaining unidentified defendants, plaintiff should provide the Court with further descriptions, such as gender, height, weight, age, and race, if available, so that the United States Attorney's Office may ascertain their identities.

The plaintiff should file a letter with the Court providing the information requested above

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<sup>3</sup> Citations to "Letter" refer to the Letter filed by the United States Attorney for the Eastern District of New York on October 6, 2017, ECF No. 10.

no later than November 26, 2017.

The Clerk is directed to send copies of this Order to the parties either electronically through the Electronic Case Filing (ECF) system or by mail.

**SO ORDERED.**

Dated: Brooklyn, New York  
October 20, 2017

/s/ Cheryl L. Pollak

Cheryl L. Pollak  
United States Magistrate Judge  
Eastern District of New York